



General Assembly

January Session, 2013

Raised Bill No. 6692

LCO No. 5190



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING PARTICIPATION IN A PROGRAM OF
COMMUNITY SERVICE FOR PERSONS SEEKING FEE WAIVERS IN
CERTAIN CIVIL ACTIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-259b of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) In any civil or criminal matter, if the court finds that a [party]
4 person is indigent and unable to pay a fee or fees payable to the court
5 or to pay the cost of service of process, the court shall waive such fee or
6 fees and the cost of service of process shall be paid by the state. If the
7 court waives such fee, fees or the cost of service of process, the court
8 may, in connection with the granting of such fee waiver, order that the
9 person participate in a program of community service, as set forth in
10 section 2 of this act, for a period of time not to exceed twenty hours. In
11 determining whether to order a person to participate in a program of
12 community service, the court shall consider the person's ability to
13 perform community service and prior compliance with any order to
14 participate in a program of community service. Notwithstanding the

15 provisions of this subsection, if a person is requesting a fee waiver
16 relating to a request for the issuance of a restraining order pursuant to
17 section 46b-15 or a protective order pursuant to section 46b-38c, the
18 court may not order such person to participate in a program of
19 community service in connection with the granting of the fee waiver.

20 (b) There shall be a rebuttable presumption that a person is indigent
21 and unable to pay a fee or fees or the cost of service of process if (1)
22 such person receives public assistance, or (2) such person's income
23 after taxes, mandatory wage deductions and child care expenses is one
24 hundred twenty-five per cent or less of the federal poverty level. For
25 purposes of this subsection, "public assistance" includes, but is not
26 limited to, state-administered general assistance, temporary family
27 assistance, aid to the aged, blind and disabled, supplemental nutrition
28 assistance and Supplemental Security Income.

29 (c) Nothing in this section shall preclude the court from finding that
30 a person whose income does not meet the criteria of subsection (b) of
31 this section is indigent and unable to pay a fee or fees or the cost of
32 service of process. If an application for the waiver of the payment of a
33 fee or fees or the cost of service of process is denied, the court clerk
34 shall, upon the request of the applicant, schedule a hearing on the
35 application.

36 Sec. 2. (NEW) (*Effective October 1, 2013*) (a) As used in this section,
37 and section 52-259b of the general statutes, as amended by this act:

38 (1) "Community service" means service performed by a person
39 requesting a fee waiver pursuant to section 52-259b of the general
40 statutes, as amended by this act, in an unpaid position with a nonprofit
41 or tax-supported agency for the performance of not more than twenty
42 hours of work.

43 (2) "Community service plan" means a written agreement between
44 the court and a person requesting a fee waiver pursuant to section 52-
45 259b of the general statutes, as amended by this act, which specifies

46 (A) the number of required community service hours, (B) the location
47 of the agency where the community service shall be performed, (C) the
48 period of time in which the community service shall be completed, (D)
49 the tentative schedule of community service, (E) a brief description of
50 the person's community service responsibilities, (F) consequences
51 associated with the failure to complete the community service, and (G)
52 the supervisor of the community service plan.

53 (b) When ordering that a person participate in a program of
54 community service, the court shall fix the terms and conditions of the
55 community service, review the community service plan and, upon
56 approval of the plan, order the person to complete the community
57 service in accordance with such plan. No community service shall be
58 imposed by the court unless the person consents to the terms and
59 conditions of the community service plan. The court, when reviewing
60 the terms and conditions of a community service plan shall, to the
61 extent feasible, give due consideration to any unique circumstances
62 identified by the person.

63 (c) Any nonprofit or tax-supported agency administering
64 community service shall prepare and file with the court a copy of all
65 community service plans and shall notify the court when a person has
66 successfully completed such plan.

67 (d) In the event of a person's noncompliance with a community
68 service plan, the nonprofit or tax-supported agency administering the
69 community service shall prepare a written statement identifying the
70 acts of noncompliance by a person and shall, without unnecessary
71 delay, request that community service be terminated.

72 (e) A person agreeing to a community service plan pursuant to this
73 section may, at any time after entering into such agreement, opt to
74 terminate his or her community service and instead pay to the court
75 the amount of any fee waived pursuant to section 52-259b of the
76 general statutes, as amended by this act.

77 Sec. 3. (NEW) (*Effective October 1, 2013*) In any civil action, including
78 a family relations matter, as defined in section 46b-1 of the general
79 statutes, except for an action brought under section 46b-15 or 46b-38c
80 of the general statutes, in which a party to the matter was granted a fee
81 waiver pursuant to section 52-259b of the general statutes, as amended
82 by this act, the court may order either party to such action to repay to
83 the state any costs incurred by the state attributable to fees waived by
84 the court pursuant to section 52-259b of the general statutes, as
85 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	52-259b
Sec. 2	<i>October 1, 2013</i>	New section
Sec. 3	<i>October 1, 2013</i>	New section

Statement of Purpose:

To provide the court with authority to order (1) a person who receives a waiver of court fees or costs associated with service of process to participate in a program of community service, (2) a party to certain civil actions repay the state for costs incurred due to the granting of fee waivers pursuant to section 52-259b of the general statutes.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]